

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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UNITED STATES OF AMERICA,

Criminal No. 06-51 (RHK/JSM)

Plaintiff,

**ORDER**

v.

FRANKLIN DAVID KIRK,

Defendant.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated April 18, 2006. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation (Doc. No. 26) is **ADOPTED**;
2. Defendant Franklin David Kirk's Motion to Suppress Pre-Trial Identification Evidence and Derivative Evidence (Doc. No. 14) is **DENIED**;
3. Defendant Franklin David Kirk's Motion to Suppress Evidence Obtained Through Search and Seizure (Doc. No. 15) is **DENIED**; and
4. Defendant Franklin David Kirk's Motion to Suppress Statements and Derivative Evidence (Doc. No. 16) is **GRANTED IN PART** and **DENIED IN PART**.

Dated: May 11, 2006

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge